

DEF ITEM 2 REFERENCE NO - 20/500490/FULL			
APPLICATION PROPOSAL Erection of nine chalets to replace existing units.			
ADDRESS Seaview Holiday Camp Warden Bay Road Leysdown Sheerness Kent ME12 4NB			
RECOMMENDATION Grant			
SUMMARY OF REASONS FOR RECOMMENDATION The replacement chalets are of an appropriate scale and design and as such will not cause harm to visual or residential amenities. The agent has agreed to a minimum reduction of 35% in emissions.			
REASON FOR REFERRAL TO COMMITTEE Deferred from the previous Committee Meeting			
WARD Sheppey East	PARISH/TOWN Leysdown	COUNCIL	APPLICANT Wickland (Holdings) Ltd AGENT Forward Planning And DevelopmentLtd
DECISION DUE DATE 03/04/20		PUBLICITY EXPIRY DATE 26/11/20	

Planning History

15/502729/FULL

Retention of two replacement chalets, nos. 84 and 85 (retrospective)

Approved Decision Date: 25.09.2015

15/509228/LDCEX

Lawful Development Certificate to establish an existing use for 12 month annual use of 11 chalets nos. 1 - 10 including 1A

Approved Decision Date: 16.12.2015

15/509233/LDCEX

Lawful Development Certificate (Existing) - To establish an existing use for 12 month annual use of 10 chalets Nos.59-68

Approved Decision Date: 21.01.2016

15/510027/FULL

Erection of chalets to replace existing nos. 80, 81, 83, 87 and 89.

Approved Decision Date: 19.02.2016

16/508497/FULL

Erection of replacement chalets for 63, 67, 71, 73, 75, 78 and 88.

Approved Decision Date: 07.03.2017

18/501184/FULL

Erection of 8 Chalets to replace existing chalets, 4, 5, 6, 7, 62, 66, 70 & 76 and removal of chalet 8.

Approved Decision Date: 25.05.2018

19/500303/FULL

Erection of 7no. chalets to replace existing units 13, 14, 31, 32, 33, 34, and 77.

Approved Decision Date: 21.03.2019

20/500490/FULL

Erection of nine chalets to replace existing units.

Pending Consideration Decision Date:

20/503571/FULL

The replacement of four existing chalet units at plots 51, 51A, 53 and 60.

Pending Consideration Decision Date:

SW/12/0404

Lawful Development Certificate for 12 month annual use of 9 chalets nos.81-89 (inclusive) shown on plan enclosed WS/01/OP. (Proposed)

Certificate Issued Decision Date: 16.05.2012

SW/13/1204

Variation of condition 1 of NK/8/63/326 to allow 10 month occupancy of caravans.

Grant of Conditional PP Decision Date: 16.12.2013

SW/12/1548

Lawful development certificate for moving 5 existing chalets within site. (Proposed)

Refused Decision Date: 14.02.2013

SW/89/0735

ENLARGING PITCHES F29 AND F30 FROM SINGLE TO DOUBLE UNITS

Approved pre 1990 Decision Date: 11.07.1989

SW/89/0528

OUTDOOR SWIMMING POOL

Approved pre 1990 Decision Date: 26.05.1989

SW/86/1222

EXTERNAL SKIN/EXTENSION TO EXISTING CHALET (64)

Approved pre 1990 Decision Date: 04.12.1986

SW/84/0956

ALTERATIONS AND EXTENSION TO 2 NO CHALETS (54 AND 76)

Approved pre 1990 Decision Date: 11.01.1985

SW/11/1605

Lawful Development Certificate for 12-month use of 79 chalets (Proposed)

Withdrawn Decision Date:

SW/98/0250

CHANGE OF USE FROM DIS-USED BOATING LAKE TO CRAZY GOLF COURSE AND TEA HUT

Grant of Conditional PP Decision Date:

SW/97/1055

DISUSED BOATING LAKE TO BE CHANGED INTO MINI CRAZY GOLF/BOUNCY CASTLE AND TEA HUT

Refused Decision Date:

SW/90/0563

EXTENSION TO SIDE OF HOLIDAY CHALET

Grant of Conditional PP Decision Date:

1. BACKGROUND

- 1.1 This application was reported to the Planning Committee Meeting on 28th May this year. Members deferred consideration of the application in order to hold a site meeting. That report is attached as **appendix 1** to this report.
- 1.2 This eventually took place in early September, and the application was reported back to Members at the Planning Committee Meeting on 17th September.
- 1.3 Members again deferred the application in order for officers and Members to discuss the level of emissions reduction achievable.
- 1.4 These discussions took place and the application was reported back to the last Meeting of the Reconvened Planning Committee on 16th November. That report is attached as **appendix 2** to this report.
- 1.5 At that Meeting, Members voted not to approve the application, and proposed reasons for refusal which officers considered were unlikely to be successful on appeal, and would in all likelihood result in an award of costs against the Council. The Head of Planning Services therefore called-in the application and deferred the matter to a future meeting.
- 1.6 The previous reports set out my detailed consideration of the merits of the scheme and I do not intend to repeat that here. This report considers the reasons for refusal suggested by Members at the previous Meeting only.

2. PROPOSED REASONS FOR REFUSAL

- 2.1 Members discussed the application at length, and the following issues were raised as potential reasons for refusal of the application:
 - The orientation of the chalets would have a detrimental impact on the site; and
 - Over-intensification of the site causing harm to the character and appearance of the site.
 - Poor design and layout;
 - Landscape harm;
 - Lack of parking spaces;
 - Lack of soft landscaping;
 - Piecemeal submission of applications
 - Failure to meet a 50% reduction in dwelling emission rate

Orientation of chalets

- 2.2 The proposed replacement chalets would be perpendicular to the internal access road. The existing chalets are sited at a slight angle. There is no defining layout for development at the site – some chalets front the access road at a slight angle, others at right angles. In any case, the difference is in my view negligible, and would not be readily noticeable on site. Even if it were, this difference is not such that planning permission ought to be refused. Members would need to be able to demonstrate that this difference gives rise to such significant harm to the character and appearance of this site that it justified the refusal of planning permission. In my view it would be extremely difficult to convince a Planning Inspector that planning permission should be refused on such a basis. I would not recommend refusal for a housing scheme fronting a public highway and viewable from public vantage points on such a basis, and in my view doing so at a holiday park would be unsustainable at appeal.

Over-intensification of the site causing harm to the character and appearance of the site

- 2.3 Members have previously been advised that the phrase “over-intensification” in itself does not hold any meaning. It needs to be tied to some aspect of the development, and then harm needs to be demonstrated. In this instance, the application proposes a reduction in the number of units from 10 to 9, and it would be impossible to argue that the development represented an over intensification in respect of the number of units proposed. Equally, the site is characterised by units of permanent and holiday accommodation located in very close proximity to each other. Although the proposed chalets are larger than the existing, this is common where parks are upgrading their units, and not in itself a reason to refuse planning permission. The scale of the chalets is in common with others approved elsewhere at the park, and a refusal of planning permission on this basis would not stand up to scrutiny.

Poor design and layout

- 2.4 Members did not expand on what they considered to be poor in terms of design. The chalets proposed are conventional in design, similar to many others throughout Leysdown and others approved at the wider application site itself. Refusal of permission on this basis would not in my view be defensible on appeal. Equally, other than the matter of orientation set out above, Members did not expand on what they considered to be poor regarding the layout. As I set out above, the layout of development proposed here is replicated elsewhere on this park and throughout Leysdown. Refusal on this basis would not be sustainable on appeal.

Landscape harm

- 2.5 Harm to the landscape is normally reserved for large scale developments in previously undeveloped areas. In this case, the application is for replacement chalets, and chalets replacing caravans on an existing site in an area characterised by holiday parks. I would advise Members that the proposals would not give rise to any landscape harm, and refusing planning permission on this basis would result in an award of costs against the Council on appeal.

Lack of parking spaces

- 2.6 This proposal would replace 10 units with no parking spaces, with 9 units and 8 parking spaces. All but one of the chalets would have its own parking space. Members would need to demonstrate that this lack of a single parking space would give rise to such harm that planning permission should be refused. The proposed chalets lie some distance away from the public highway, and it is in my view most unlikely that this proposal would give rise to any parking on the highway. The wider site has an (albeit small) car park, with informal parking taking place elsewhere around the site. Members would need to demonstrate that this lack of one parking space would give rise either to harm to highway safety and convenience or visual harm. Given the existing situation at the site, I am firmly of the view that this would not be plausible.

Lack of soft landscaping

- 2.7 Members were concerned that the decking to the front of the replacement chalets would give rise to a lack of soft landscaping. I remain of the view that the proposal would not cause visual harm, nor would it have a significant impact on the character of the wider site, and as such I would advise Members that refusal of permission on this basis would not be sustainable on appeal. Nonetheless, if Members remain concerned in this respect, authority could be delegated to officers to approve the application subject to the submission of amended plans providing an element of soft landscaping to the front of the chalets, either by reducing the depth of the decking or its width.

Piecemeal submission of applications

- 2.8 I set out in the previous report (attached as an appendix) why the applicant is submitting numerous small applications at the site. There is nothing set out in planning law to prevent this, and Members would need to demonstrate overriding harm resulting from this process and in my view there is none.

Failure to meet a 50% reduction in dwelling emission rate

- 2.9 As set out in the previous report, the applicant has agreed to a figure of 35%. In my view, this is appropriate given the likely impact on viability. This is a small scale, low cost scheme for chalets. A figure of 35% has been considered achievable here by the Council's Building Control Officer, and this would represent a significant improvement over the existing chalets. The 50% figure is clearly dependent on being achievable, and I note that at the October Planning Committee Meeting this year, Members concluded that where it was not reasonably achievable on a site for a single dwelling, a lower figure was acceptable. In my view, it would not be defensible on appeal to adhere rigidly to the 50% figure here.

3. CONCLUSION

- 3.1 Whilst officers believe that the Council would be unlikely to be able to successfully defend any decision for refusal based on the suggested reasons put forward at the last Planning Committee meeting, the Council on appeal could be subject to a costs claim although such costs incurred are likely to be of a minor scale, given the likelihood that such an appeal would be of a written representation basis.

- 3.2 I remain therefore firmly of the view that the proposals would not give rise to such harm that planning permission could justifiably be refused, and as such I recommend approval.

4. RECOMMENDATION

GRANT Subject to the following conditions:

CONDITIONS to include

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) No development shall take place other than in accordance with the details shown on the following drawings: 3957_PL02, PL-5732_14 and PL-5732_15.

Reason: For the avoidance of doubt and in the interest of visual amenity.

- (3) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0730 - 1900 hours, Saturdays 0730 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of local amenity.

- (4) Upon completion, no further development, whether permitted by Classes A, B, C, D, E or F of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out without the prior permission in writing of the Local Planning Authority.

Reason: In the interests of the amenities of the area.

- (5) The chalets hereby approved shall be constructed and tested to achieve the following measure:

At least a 35% reduction in Dwelling Emission Rate compared to the Target Emission Rates as required under Part L1A of the Building Regulations 2013 (as amended);

No development shall take place until details of the measures to be undertaken to secure compliance with this condition have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of promoting energy efficiency and sustainable development.

INFORMATIVES

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

